

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA, the STATES of
ALASKA, CALIFORNIA, COLORADO,
CONNECTICUT, DELAWARE, FLORIDA, GEORGIA,
HAWAII, ILLINOIS, INDIANA, IOWA, LOUISIANA,
MARYLAND, MICHIGAN, MINNESOTA,
MONTANA, NEVADA, NEW JERSEY, NEW
MEXICO, NEW YORK, NORTH CAROLINA,
OKLAHOMA, RHODE ISLAND, TENNESSEE,
TEXAS, VERMONT, WASHINGTON, WISCONSIN,
the COMMONWEALTHS OF MASSACHUSETTS,
PUERTO RICO, AND VIRGINIA, and the DISTRICT
OF COLUMBIA *ex rel.* JOSEPH B. SHEA,
Plaintiffs,

v.

ARTHREX, INC., PETER MILLETT, M.D., and
ALM RESEARCH LLC,

Defendants.

Civil Action No. 20-cv-10210-ADB

**PLAINTIFF-RELATOR'S RULE 41 NOTICE OF
PARTIAL VOLUNTARY DISMISSAL WITHOUT PREJUDICE**

Pursuant to Fed. R. Civ. P. 41(a)(1)(A)(i), the federal False Claims Act, 31 U.S.C. § 3730(b)(1), and comparable provisions of the State False Claims Acts, undersigned counsel for Plaintiff-Relator notifies the Court that he is hereby voluntarily dismissing without prejudice all claims against Defendants Peter Millett, M.D. and ALM Research LLC, which are claims brought on behalf of the Plaintiff United States of America and the Plaintiff States.

Undersigned counsel believes the government plaintiffs will be consenting to this dismissal pursuant to 31 U.S.C. § 3730(b)(1) and comparable provisions of the State False Claims Acts. Undersigned counsel expects the government plaintiffs will do so by filing a separate consent(s) to this Notice of Partial Voluntary Dismissal Without Prejudice of all claims against Defendants Peter Millett, M.D. and ALM Research LLC.

Plaintiff-Relator respectfully requests that the Court enter an order in the form of the attached proposed order after the United States and the States have filed their expected consent(s) to this dismissal.

February 8, 2022

Respectfully submitted,

/s/ Suzanne E. Durrell

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Counsel for Plaintiff-Relator

CERTIFICATE OF SERVICE

I, Suzanne E. Durrell, hereby certify that I have on this date served an electronic copy of the foregoing document on the parties of record representing the interests of the United States of America and the representative state governments. As the Defendants have not been served the *qui tam* Complaint, they will not be served this Notice.

Dated: February 8, 2022

/s/ Suzanne E. Durrell

Suzanne E. Durrell

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[Proposed]
ORDER ON PLAINTIFF-RELATOR'S NOTICE OF
PARTIAL VOLUNTARY DISMISSAL WITHOUT PREJUDICE

Plaintiff-Relator having requested, pursuant to Rule 41(a)(1)(A)(i) of the Federal Rules of Civil Procedure, that certain claims in the above-captioned action be dismissed without prejudice; and the United States and the States having consented, in the interests of justice, to such dismissal without prejudice:

IT IS HEREBY ORDERED THAT the claims against Defendants Peter Millett, M.D. and ALM Research LLC in this action are dismissed without prejudice.

Dated:

ALLISON D. BURROUGHS
United States District Judge